

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

JEFFREY BARRON,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	3:06cv983-MHT
)	(WO)
WERNER ENTERPRISES, INC.,)	
and AMHAD RASHAD RANSON,)	
)	
Defendant.)	

OPINION AND ORDER

On October 31, 2006, this lawsuit was removed from state to federal court based on diversity-of-citizenship jurisdiction. See 28 U.S.C. §§ 1332, 1441. Defendant Werner Enterprises, Inc. contends that the lawsuit was properly removed because the state court dismissed non-diversity defendants Chambers County Commission and William Lewis Jennings. Under the "voluntary-involuntary" rule, "if the defendant was dismissed from the case by the voluntary act of the plaintiff, the case became removable, but if the dismissal was the result of

either the defendant's or the court's action against the wish of the plaintiff, the case could not be removed.'" Insinga v. LaBella, 845 F.2d 249, 252 (11th Cir. 1988) (per curiam) (quoting Weems v. Louis Dreyfus Corp., 380 F.2d 545, 546 (5th Cir. 1967)).

Accordingly, it is ORDERED that plaintiff Jeffrey Barron and defendant Werner Enterprises, Inc., show cause, if any there be, in writing by November 13, 2006, as to why this cause should not be remanded to state court pursuant to the "voluntary-involuntary" rule.

DONE, this the 3rd day of November, 2006.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE